

Application No. 09/751747 (Docket: MIPS.0105-00-US)
37 CFR 1.111 Amendment dated 08/26/2006
Reply to Office Action of 06/02/2006

REMARKS/ARGUMENTS

In the Office Action, the Examiner noted that claims 1-23 are pending in the application. The Examiner additionally stated that claims 14-21 are rejected and that claims 1-13 and 22-23 are allowable over the prior art of record. By this amendment, claims 14-21 are cancelled. Hence, claims 1-13 and 22-23 are pending in the application.

Applicant hereby requests further examination and reconsideration of the application, in view of the foregoing amendments.

In the Claims

Allowable Subject Matter

The Examiner noted that claims 1-13 and 22-23 are allowable over the prior art of record. Applicant appreciates this indication of allowable subject matter and further compliments the Examiner's for his skill, diligence, and professional demeanor which have been exhibited during the examination.

Rejections Under 35 U.S.C. §101

The Examiner rejected claims 14-21 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The Examiner added that the current guidelines on patentable subject matter eligibility published in the OG on Nov. 22, 2005 direct the examiner to make a 35 USC 101 rejection when claims are directed to what is a functional material (in this case a computer program) encoded in electro-magnetic signals. The Examiner further added that, in his view, claims 14-21 fall within the category of non-statutory subject matter as defined by those guidelines.

By this amendment, claims 14-21 are cancelled, thereby rendering the rejections moot. However, it is noted that Applicant has canceled claims 14-21 for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent business Goals (PBG), 65 Fed. Reg. 54603 (September 8, 2000). With regard to the Examiner's rejections of claims 14-31, Applicant respectfully traverses. Furthermore, Applicant reserves the right and hereby provides notice of intent to file a continuation application during the copendency of this application, or other applications disclosing the

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subject matter, to present arguments of patentability over the Examiner's stated grounds of rejection.

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CONCLUSIONS

In view of the arguments advanced above, Applicant respectfully submits that claims 1-13 and 22-23 are in condition for allowance.

Applicant earnestly requests that the Examiner contact the undersigned practitioner by telephone if the Examiner has any questions or suggestions concerning this amendment, the application, or allowance of any claims thereof.

I hereby certify under 37 CFR 1.8 that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date of signature shown below.

Respectfully submitted,
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/ Richard K. Huffman/

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08/26/2006

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